

RECEIVED
CENTRAL FAX CENTER

31611.0035

JUN 08 2005

I hereby certify that this Correspondence is being forwarded to:
Commissioner for Patents, Alexandria, VA 22313-1450, on June 8,
2005, via fax phone number 703-872-9306.

~~Michael F. Scalise~~

Name


Signature

June 8, 2005

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: O'Brien et al.
Serial No. : 10/719,632
Filed : November 21, 2003
For : Nanotube Coatings For
Implantable Electrodes
Examiner : L. Faulcon, Jr.
Group Art Unit : 3762

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

06/11/2005 11:01:00 FAXED 00000000 00000000 00000000

01 00:00:00

FAXED BY

AMENDMENT UNDER 37 CFR 1.111

Sir:

In response to the Office Action dated March 17, 2005,
the Applicants amend and remark as follows:

1201 \$200

**FEE TRANSMITTAL
for FY 2002**

Patent Fees are subject to annual revision.

G Applicant claims small entity status. See 37 CFR 1.27.

Application Number	
Filing Date	November 21, 2003
First Named Inventor	O'Brien et al.
Examiner Name	
Group/Art Unit	
Attorney Docket Number	31611.0028

TOTAL AMOUNT OF PAYMENT (\$),002.00

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																																			
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None Deposit Account: Deposit Account Number: <u>502460</u> Deposit Account Name: _____ The Commissioner is hereby authorized to (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below Charge any fee deficiencies or credit any overpayments <input type="checkbox"/> Charge any additional fees during pendency of this application. <input type="checkbox"/> Charge fees indicated below, except for the filing fee to the above-identified deposit account				3. ADDITIONAL FEES																																																																																																																																																																																																			
		<table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>\$</td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td>\$</td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> <td>\$</td> </tr> <tr> <td>147</td> <td>2,520</td> <td>147</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td>\$</td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td>Requesting Publication of SIR prior to Examiner Action</td> <td>\$</td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>113</td> <td>1,840*</td> <td>Requesting Publication of SIR after Examiner Action</td> <td>\$</td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for reply within first month</td> <td>\$</td> </tr> <tr> <td>116</td> <td>420</td> <td>216</td> <td>210</td> <td>Extension for reply within second month</td> <td>\$</td> </tr> <tr> <td>117</td> <td>950</td> <td>217</td> <td>475</td> <td>Extension for reply within third month</td> <td>\$</td> </tr> <tr> <td>118</td> <td>1,480</td> <td>218</td> <td>740</td> <td>Extension for reply within fourth month</td> <td>\$</td> </tr> <tr> <td>128</td> <td>2,010</td> <td>228</td> <td>1,005</td> <td>Extension for reply within fifth month</td> <td>\$</td> </tr> <tr> <td>119</td> <td>330</td> <td>219</td> <td>165</td> <td>Notice of Appeal</td> <td>\$</td> </tr> <tr> <td>120</td> <td>330</td> <td>220</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td>\$</td> </tr> <tr> <td>121</td> <td>290</td> <td>221</td> <td>145</td> <td>Request for oral hearing</td> <td>\$</td> </tr> <tr> <td>138</td> <td>1,510</td> <td>138</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td>\$</td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td>\$</td> </tr> <tr> <td>141</td> <td>1,330</td> <td>241</td> <td>665</td> <td>Petition to revive - unintentional</td> <td>\$</td> </tr> <tr> <td>142</td> <td>1,330</td> <td>242</td> <td>665</td> <td>10 advance copies Utility issue fee (or reissue)</td> <td>\$</td> </tr> <tr> <td>143</td> <td>480</td> <td>243</td> <td>240</td> <td>Design issue fee</td> <td>\$</td> </tr> <tr> <td>144</td> <td>640</td> <td>244</td> <td>320</td> <td>Plant issue fee</td> <td>\$</td> </tr> <tr> <td>122</td> <td>130</td> <td>122</td> <td>130</td> <td>Petitions to the Commissioner</td> <td>\$</td> </tr> <tr> <td>123</td> <td>50</td> <td>123</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(g)</td> <td>\$</td> </tr> <tr> <td>126</td> <td>180</td> <td>126</td> <td>180</td> <td>Submission of Information Disclosure Statement</td> <td>\$</td> </tr> <tr> <td>581</td> <td>40</td> <td>581</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td>\$40</td> </tr> <tr> <td>146</td> <td>770</td> <td>246</td> <td>385</td> <td>Filing a submission after final rejection(37 CFR 1.129(a))</td> <td>\$</td> </tr> <tr> <td>149</td> <td>770</td> <td>249</td> <td>385</td> <td>For each add'l invention to be examined(37 CFR 1.129(b))</td> <td>\$</td> </tr> <tr> <td>179</td> <td>770</td> <td>279</td> <td>385</td> <td>Request For Continued Examination (RCE)</td> <td>\$</td> </tr> <tr> <td>169</td> <td>900</td> <td>169</td> <td>900</td> <td>Request for Expedited Examination of a design appl.</td> <td>\$</td> </tr> <tr> <td colspan="4">Other fee (specify)</td> <td></td> <td>\$</td> </tr> <tr> <td colspan="4">*Reduced by basic filing fee paid</td> <td colspan="2">SUBTOTAL (3)</td> </tr> <tr> <td colspan="4"></td> <td colspan="2">\$40</td> </tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	105	130	205	65	Surcharge - late filing fee or oath	\$	127	50	227	25	Surcharge - late provisional filing fee or cover sheet	\$	139	130	139	130	Non-English specification	\$	147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	\$	112	920*	112	920*	Requesting Publication of SIR prior to Examiner Action	\$	113	1,840*	113	1,840*	Requesting Publication of SIR after Examiner Action	\$	115	110	215	55	Extension for reply within first month	\$	116	420	216	210	Extension for reply within second month	\$	117	950	217	475	Extension for reply within third month	\$	118	1,480	218	740	Extension for reply within fourth month	\$	128	2,010	228	1,005	Extension for reply within fifth month	\$	119	330	219	165	Notice of Appeal	\$	120	330	220	165	Filing a brief in support of an appeal	\$	121	290	221	145	Request for oral hearing	\$	138	1,510	138	1,510	Petition to institute a public use proceeding	\$	140	110	240	55	Petition to revive - unavoidable	\$	141	1,330	241	665	Petition to revive - unintentional	\$	142	1,330	242	665	10 advance copies Utility issue fee (or reissue)	\$	143	480	243	240	Design issue fee	\$	144	640	244	320	Plant issue fee	\$	122	130	122	130	Petitions to the Commissioner	\$	123	50	123	50	Processing fee under 37 CFR 1.17(g)	\$	126	180	126	180	Submission of Information Disclosure Statement	\$	581	40	581	40	Recording each patent assignment per property (times number of properties)	\$40	146	770	246	385	Filing a submission after final rejection(37 CFR 1.129(a))	\$	149	770	249	385	For each add'l invention to be examined(37 CFR 1.129(b))	\$	179	770	279	385	Request For Continued Examination (RCE)	\$	169	900	169	900	Request for Expedited Examination of a design appl.	\$	Other fee (specify)					\$	*Reduced by basic filing fee paid				SUBTOTAL (3)						\$40	
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																		
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																				
105	130	205	65	Surcharge - late filing fee or oath	\$																																																																																																																																																																																																		
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	\$																																																																																																																																																																																																		
139	130	139	130	Non-English specification	\$																																																																																																																																																																																																		
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	\$																																																																																																																																																																																																		
112	920*	112	920*	Requesting Publication of SIR prior to Examiner Action	\$																																																																																																																																																																																																		
113	1,840*	113	1,840*	Requesting Publication of SIR after Examiner Action	\$																																																																																																																																																																																																		
115	110	215	55	Extension for reply within first month	\$																																																																																																																																																																																																		
116	420	216	210	Extension for reply within second month	\$																																																																																																																																																																																																		
117	950	217	475	Extension for reply within third month	\$																																																																																																																																																																																																		
118	1,480	218	740	Extension for reply within fourth month	\$																																																																																																																																																																																																		
128	2,010	228	1,005	Extension for reply within fifth month	\$																																																																																																																																																																																																		
119	330	219	165	Notice of Appeal	\$																																																																																																																																																																																																		
120	330	220	165	Filing a brief in support of an appeal	\$																																																																																																																																																																																																		
121	290	221	145	Request for oral hearing	\$																																																																																																																																																																																																		
138	1,510	138	1,510	Petition to institute a public use proceeding	\$																																																																																																																																																																																																		
140	110	240	55	Petition to revive - unavoidable	\$																																																																																																																																																																																																		
141	1,330	241	665	Petition to revive - unintentional	\$																																																																																																																																																																																																		
142	1,330	242	665	10 advance copies Utility issue fee (or reissue)	\$																																																																																																																																																																																																		
143	480	243	240	Design issue fee	\$																																																																																																																																																																																																		
144	640	244	320	Plant issue fee	\$																																																																																																																																																																																																		
122	130	122	130	Petitions to the Commissioner	\$																																																																																																																																																																																																		
123	50	123	50	Processing fee under 37 CFR 1.17(g)	\$																																																																																																																																																																																																		
126	180	126	180	Submission of Information Disclosure Statement	\$																																																																																																																																																																																																		
581	40	581	40	Recording each patent assignment per property (times number of properties)	\$40																																																																																																																																																																																																		
146	770	246	385	Filing a submission after final rejection(37 CFR 1.129(a))	\$																																																																																																																																																																																																		
149	770	249	385	For each add'l invention to be examined(37 CFR 1.129(b))	\$																																																																																																																																																																																																		
179	770	279	385	Request For Continued Examination (RCE)	\$																																																																																																																																																																																																		
169	900	169	900	Request for Expedited Examination of a design appl.	\$																																																																																																																																																																																																		
Other fee (specify)					\$																																																																																																																																																																																																		
*Reduced by basic filing fee paid				SUBTOTAL (3)																																																																																																																																																																																																			
				\$40																																																																																																																																																																																																			
FEE CALCULATION 1. BASIC FILING FEE <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>101</td> <td>770</td> <td>201</td> <td>385</td> <td>Utility filing fee</td> <td>\$770</td> </tr> <tr> <td>106</td> <td>340</td> <td>206</td> <td>170</td> <td>Design filing fee</td> <td>\$</td> </tr> <tr> <td>107</td> <td>530</td> <td>207</td> <td>265</td> <td>Plant filing fee</td> <td>\$</td> </tr> <tr> <td>108</td> <td>770</td> <td>208</td> <td>385</td> <td>Reissue filing fee</td> <td>\$</td> </tr> <tr> <td>114</td> <td>160</td> <td>214</td> <td>80</td> <td>Provisional filing fee</td> <td>\$</td> </tr> <tr> <td colspan="5">SUBTOTAL (1)</td> <td>\$770</td> </tr> </tbody> </table>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	101	770	201	385	Utility filing fee	\$770	106	340	206	170	Design filing fee	\$	107	530	207	265	Plant filing fee	\$	108	770	208	385	Reissue filing fee	\$	114	160	214	80	Provisional filing fee	\$	SUBTOTAL (1)					\$770	2. EXTRA CLAIM FEES FOR UTILITY/ REISSUE <table border="1"> <thead> <tr> <th colspan="2">Extra</th> <th colspan="2">Fee from</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Claims</th> <th>below</th> <th>Claims</th> <th>below</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>126/- 20** = /6 / x /18 / =</td> <td></td> <td></td> <td></td> <td>\$108</td> </tr> <tr> <td>Independent Claims</td> <td>14/- 3** = /1 / x /84 / =</td> <td></td> <td></td> <td></td> <td>\$84</td> </tr> <tr> <td>Multiple dependent</td> <td>/ / x / / =</td> <td></td> <td></td> <td></td> <td>\$</td> </tr> </tbody> </table>		Extra		Fee from		Fee Description	Fee Paid	Claims	below	Claims	below	Total Claims	126/- 20** = /6 / x /18 / =				\$108	Independent Claims	14/- 3** = /1 / x /84 / =				\$84	Multiple dependent	/ / x / / =				\$																																																																																																																								
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																		
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																				
101	770	201	385	Utility filing fee	\$770																																																																																																																																																																																																		
106	340	206	170	Design filing fee	\$																																																																																																																																																																																																		
107	530	207	265	Plant filing fee	\$																																																																																																																																																																																																		
108	770	208	385	Reissue filing fee	\$																																																																																																																																																																																																		
114	160	214	80	Provisional filing fee	\$																																																																																																																																																																																																		
SUBTOTAL (1)					\$770																																																																																																																																																																																																		
Extra		Fee from		Fee Description	Fee Paid																																																																																																																																																																																																		
Claims	below	Claims	below																																																																																																																																																																																																				
Total Claims	126/- 20** = /6 / x /18 / =				\$108																																																																																																																																																																																																		
Independent Claims	14/- 3** = /1 / x /84 / =				\$84																																																																																																																																																																																																		
Multiple dependent	/ / x / / =				\$																																																																																																																																																																																																		
<table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>103</td> <td>18</td> <td>203</td> <td>9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>102</td> <td>86</td> <td>202</td> <td>43</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>104</td> <td>290</td> <td>204</td> <td>145</td> <td>Multiple dependent claim if not paid</td> <td></td> </tr> <tr> <td>109</td> <td>86</td> <td>209</td> <td>43</td> <td>**Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>110</td> <td>18</td> <td>210</td> <td>9</td> <td>**Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> <tr> <td colspan="5">SUBTOTAL (2)</td> <td>\$192</td> </tr> </tbody> </table>				Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	103	18	203	9	Claims in excess of 20		102	86	202	43	Independent claims in excess of 3		104	290	204	145	Multiple dependent claim if not paid		109	86	209	43	**Reissue independent claims over original patent		110	18	210	9	**Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)					\$192	SIGNATURE: <u>Michael F. Scalise</u> Michael F. Scalise Reg. No. 34,920 DATE: November 21, 2003 Telephone: (716) 759-5810																																																																																																																																																					
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																		
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																				
103	18	203	9	Claims in excess of 20																																																																																																																																																																																																			
102	86	202	43	Independent claims in excess of 3																																																																																																																																																																																																			
104	290	204	145	Multiple dependent claim if not paid																																																																																																																																																																																																			
109	86	209	43	**Reissue independent claims over original patent																																																																																																																																																																																																			
110	18	210	9	**Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																			
SUBTOTAL (2)					\$192																																																																																																																																																																																																		

Express Mail Mailing Label Number E1940429279USDate of Deposit November 21, 2003

I hereby Certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Alexandria, VA 22313-140.

Rosemarie Contella
NameRosemarie Contella
SignatureNovember 21, 2003
Date of Signature